

THE RULE (WRITE)R'S EDGE



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A MESSAGE FROM SECRETARY BAYLESS

Our rules newsletter is back -- and with a new name! We again plan on publishing *The Rule(write)r's Edge* every three calendar months (July, October, January, and April), coinciding with the publication of each supplement to the *Arizona Administrative Code*. Through this newsletter, we plan to keep you apprised of new developments in Arizona rulemaking, new rules on the rulemaking process, and information to help you and your agency go through the rulemaking process as easily as possible.

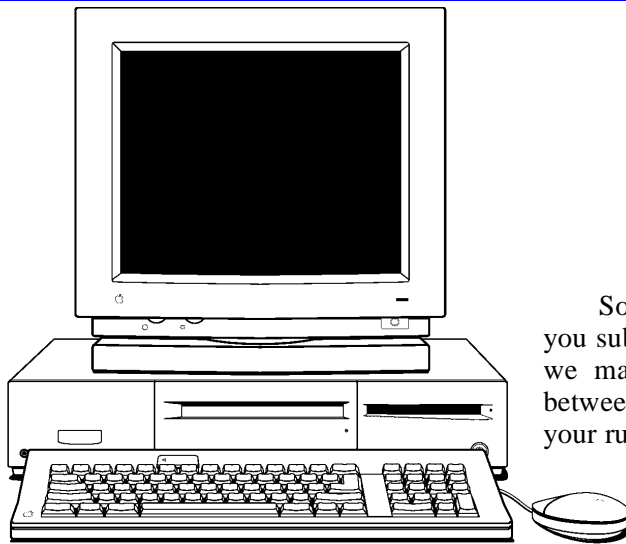
Rulemaking in Arizona has changed significantly in the last few years. We have gone from a monthly notice-only Register to a full-text weekly publication. Rules are now published as proposed before the Governor's Regulatory Review Council reviews them, the reverse of the way it used to be. We now even have a Regulatory Bill of Rights.

If any of you involved in the rulemaking process would like to see a topic or issue discussed in this newsletter, please call, fax, mail, or e-mail us. All of these addresses are listed in the masthead of this newsletter. You may also access our e-mail through our Home Page at www.sosaz.com.

Please contact us if you know someone who would also like to receive *The Rule(write)r's Edge*.



Betty Bayless
BETSEY BAYLESS
Secretary of State



COMPUTER HINTS

Sometimes we receive rules on disks that we cannot read. If you submit a large rule package and a disk that we cannot read, we may need more than the normal three weeks lag time between submission deadline and *Register* publication to input your rules. To help you avoid these problems, and to ensure that your rules are published on time, we have a short list of do's and don'ts for you to remember:

- ⊗ **DON'T** send us Macintosh disks. Usually we cannot read Macintosh disks unless you also use FrameMaker software.
- ☺ **DO** save your documents as RTF (Rich Text Format), Word Perfect 5.1 or 6.0, or Word Perfect 6.0. These formats seem to convert the best.
- ☺ **DO** remember to send us all the disks necessary for your rulemaking package.
- ☺ **DO** remember to send a disk to GRRRC with your final package (after GRRRC has approved your rules) or send it directly to us and let us know that the rules are coming from GRRRC.
- ⊗ **DON'T** save your document as a template. If we receive a templated document, we may not be able to use it.
- ☺ **DO** remember to send us a 3 1/2" disk, if you can.
- ☺ **DO** remember to label your disks with the name of your agency, the Code citation for the rules, and the type of software and the version that you used.
- ⊗ **DON'T** include on the disk your Concise Explanatory Statement (CES); your Economic, Small Business, and Consumer Impact Statement (EIS); or any incorporated by reference material.
- ☺ **DO** include on the disk the Preamble and the text of the rules (the Preamble and the text comprise the Notice of rulemaking activity).
- ☹ **DO** note that some graphics and symbols may not convert properly when we import or export your rules. We carefully proofread the material--but we need you to proofread the published version too.

GRRC NEWS

Since the last issue of *Ruling Arizona* was published about two years ago, the Governor's Regulatory Review Council has made some staff changes.

Allen Malanowski is the GRRC economist. Allen has been on the job for almost two years. He presented a program on economic, small business, and consumer impact statements during the "Go for the Gold" rulemaking training series.

Rob Dalager left the GRRC staff and is now on the Senate staff. Jeanne Morrison, former GRRC staff attorney, is the new administrator.

The Council hired Jeri Auther as a staff attorney. She joins other staff attorneys, Scott Cooley and Anna Bronnenkant.

Jeanne Morrison married Dennis Hann in May. We wish you well in your new marriage, Jeanne!

Check out the GRRC Web site where you can see the five-year review schedule and proposed rules tracked through the process. The site is located at: www.grrc.state.az.us.

S.O.S. RULE AMENDMENTS

The Office has been working on rule amendments since it opened a rulemaking docket in 1995. We are close to proposing them. However, because our docket was originally opened over three years ago, we have decided to open another docket to alert everyone that changes are coming.

We know that some agencies have expressed a desire for us to allow more than one Chapter per rulemaking notice. Because of the way we must file the rules of over 150 agencies, we simply cannot do this. We are, however, considering allowing more than one rulemaking notice per Chapter in a single issue of the *Register*. We are interested in your viewpoints on this and other issues in the rules.

We are trying to take into account the new regulatory reform law (Laws 1998, Ch. 57) that takes effect August 21, 1998 (with the exception of a couple of Sections with delayed effective dates). There will also be an entire Article dedicated to the publishing style of the Secretary of State's Office, rather than simply leaving style issues in the *Arizona Rulemaking Manual*.

We hope to be able to propose these rules before the end of the summer. We will make copies available to anyone who lets us know they want a copy. Just watch the *Register* and then call the Office for your copy.

The Rule(write)r's Edge is a quarterly publication of the Arizona Secretary of State's Office, Public Services Division. Comments, letters, suggestions, and other correspondence may be mailed to the Department at 1700 West Washington, 7th Floor, Phoenix, Arizona 85007; called in, (602) 542-4086; faxed, (602) 542-4366; or e-mailed, mgriffiths@mail.sosaz.com. Subscriptions are available free of charge to all state agency personnel involved in the rulemaking process and to those individuals or companies who subscribe to the full edition of the *Arizona Administrative Code*.

Secretary of State: Betsey Bayless

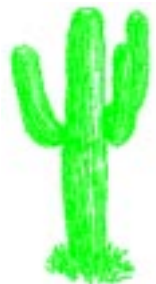
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PUBLIC SERVICES DIVISION NEWS

In our last issue, June 1996, we told you about some remodeling in our Division. We have since done more remodeling. We also have a few different staff people: Alice Guzman joined us as a notary clerk; Rhonda Paschal joined the staff in August 1997 as *Register* Editor; Mike Bradford came on board in January 1998 as one of our Administrative Assistants; and Yvonne Gonzales joined us in June as our Receptionist/secretary.

We also have a new Secretary of State, Betsey Bayless. Secretary Bayless is no stranger to state government, having served as DOA director, acting director of the Department of Revenue, and assistant director of the Board of Regents. While DOA Director, she chaired the Governor's Regulatory Review Council. Most recently, Secretary Bayless was a member of the Maricopa County Board of Supervisors. Warren Whitney is Assistant Secretary of State.

PROOFREAD YOUR RULES!

Too many of us use the spell-check program included with our computer software and fail to actually read the text of our rules to detect errors that the computer cannot. You often mean to use one word, but you may misspell it. The result may be another correctly spelled word that the computer fails to note as misspelled. Remember, you must always visually proofread your rules in addition to using the computer spell-check. To illustrate why you should never rely on your computer alone, I offer you some of the following from Richard Lederer's book, *Anguished English* (Charleston, South Carolina, Wyrick & Company, 1987). Can you figure out which word is wrong? (Hint: Sometimes more than one word is wrong.) Here goes:

"Drop your ballet in the ballet box."

"On Thanksgiving morning, we could smell the foul cooking."

"In Pittsburgh they manufacture iron and steal."

"Thomas Gray wrote the Allergy in a Country Churchyard."

To help you remember to proofread, not only spell-check, your rules, here's a little poem for you:

TOO BEE OAR NOT TWO BE

I have a Spelling Checker;
It came with my P.C.;
It plainly marks four my revue
Mistakes witch I can knot sea!
I've run this poem threw hit;
I'm sure yew wood bee pleased too no;
Its letter perfect in it's weigh;
My checker tolled me sew!

RULEMAKING TRAINING

The Attorney General's Office, the Governor's Regulatory Review Council, the Secretary of State's Office, and the Arizona Rulewriters Consortium offered Rulemaking 101 to all Arizona rule writers on June 25. We had an overflow crowd--much larger than originally expected. The half-day workshop explained the basic rulemaking process, touched on the various types of rulemaking in Arizona, offered hints on writing a rule, explained the legal issues behind rulemaking, detailed the types of errors made in rulemaking packages submitted for review, publication, and filing, and gave hints for getting rules through the Council review process. If any of you are interested in having this program, or a similar beginning rulemaking program, presented annually, please tell either the Public Services Division of the Secretary of State's Office or the staff of the Governor's Regulatory Review Council. Contact Linda, Vickie, or Mike at the Secretary of State's Public Services Division if you didn't attend Rulemaking 101 and want the GRRC rules and the APA to update your Rulemaking Manual.

"...We should insist that public language...should be as clear, complete, and direct as possible"
William Lutz, *The New Doublespeak: Why No One Knows What Anyone's Saying Anymore*. (Harper Collins, 1996)

LEGISLATIVE



The Legislature passed more regulatory reform legislation this year. Senate Bill 1034 (Laws 1998, Ch. 57) takes effect August 21, 1998, and:

- Changes the word "adopt" to "make" for rulemaking;
- Adds § 41-1001.01, the Regulatory Bill of Rights;
- Adds § 41-1008 concerning fees;
- Adds § 41-1009 concerning inspections;
- Adds § 41-1010 concerning complaints;
- Specifies that a rulemaking docket opening notice expires 1 year after publication in the Register if the agency has not filed a notice of the proposed rulemaking or 1 year after the notice of proposed rulemaking is published in the Register if the agency has not submitted the rule to the Council for review and approval;
- Requires that an agency, at the time it submits the notice of proposed rulemaking to the Secretary of State for publication, send notification to any person who has made a timely request;
- Requires an agency to allow for adequate discussion of the substance and form of the proposed rule at any oral proceeding;
- Specifies that an agency may not exceed a specific grant of rulemaking authority;
- Adds *agency practice alleged to constitute a rule* to the list of items the Administrative Rules Oversight Committee may review;
- Provides that, if an agency fails to submit its five-year review report to the Council or file an extension before the due date of the report, or fails to submit its report within the extension period, the rules scheduled for review expire;
- Makes several changes to the Sections concerning administrative hearings; and
- makes numerous other changes.

You may obtain a copy of the bill at the Secretary of State's Office.

Rule Writer's Consortium

The Rule Writers' Consortium meets monthly to discuss issues, problems, solutions, and other aspects of rulemaking in Arizona. All persons involved in rule writing are invited to attend. Please note that we have no meetings scheduled for July and August. The Consortium meets from **noon until 2 p.m.** at the

Department of Economic Security
Director's Conference Room
1789 West Jefferson, Phoenix

September 15, 1998

October 20, 1998

November 17, 1998

December 8, 1998

(Bring your own brown-bag lunch.)

For further information, contact Vista Thompson Brown
at (602) 542-6555.

The Rule Writer's Consortium also maintains a list of agency rule writers' phone and fax numbers and e-mail addresses. To get on the list, contact Shirley Conard at the Department of Agriculture, 542-0964; To get on the fax list for meeting agendas, please contact Don Schmid at the Department of Health Services, 542-1020.

BETSEY BAYLESS

Secretary of State
State Capitol, Executive Tower
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

RULES & THE INTERNET

Many Arizona rules are now on the Internet. Our *Code* Editor, Scott Cancelosi, has been working hard to prepare all rules for Internet publication. We hope to have the remaining rules on-line by the end of this calendar year. One of the biggest challenges we have had is that the rules on the Internet do not look like what we publish. Some tables, most graphics, and certain symbols do not appear or are changed from the way we publish them. HTML, the language of the Internet, simply cannot convert these types of items because of its limited scope. The Office is planning to use PDF format in the future. Watch our home page for this new development!

We are working out the format for the *Register* to go on-line as well. If we can get the bugs in the system worked out, we hope to put the *Register* on the Net by January 1, 1999. We plan to use PDF format so that what you see on the Net looks just like what we publish. We are working on creating the *Register* as one document rather than multiple documents grouped together in a book. When we have perfected the one document format, we will begin converting it to PDF and placing it on the Internet. Keep checking out our home page for new information about this and other areas of the Secretary of State's Office.